

(RZx), CLOSED, DISCOVERY, STAYED

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
(Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:04-cv-02062-GAF-RZ**

Natural Resources Defense Council v. United States Department
of Defense et al
Assigned to: Judge Gary A. Feess
Referred to: Magistrate Judge Ralph Zarefsky
Case in other court: 9th CCA, 07-56624
Cause: 05:552 Freedom of Information Act

Date Filed: 03/25/2004
Date Terminated: 10/02/2008
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Natural Resources Defense Council

represented by **Aaron S Colangelo**
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V.

Defendant

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Defendant

**White House Office of Management
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Defendant

**United States Environmental
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TERMINATED: 10/10/2006

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Date Filed	#	Docket Text
03/25/2004	1	COMPLAINT against defendants United States Department of Defense, United States Environmental Protection Agency, White House Office of Management and Budget. (Filing fee \$150.) filed by plaintiff Natural Resources Defense Council.(jag,) (Entered: 03/31/2004)
03/25/2004		FAX number for Attorney David S Beckman is 310-434-2399. (jag,) (Entered: 03/31/2004)
03/25/2004	2	CERTIFICATE of Interested Parties filed by Plaintiff Natural Resources Defense Council. (jag,) (Entered: 03/31/2004)
03/25/2004		MOTIONS for Discovery 44 REFERRED to Judge Gary A Feess. (lm,) (Entered: 02/28/2005)
04/08/2004		Summons Issued re Complaint – (Discovery) 1 as to United States Department of Defense, United States Environmental Protection Agency, White House Office of Management and Budget. (bp,) (Entered: 04/12/2004)
04/30/2004	3	APPLICATION AND ORDER of Non-Resident Attorney to Appear in a Specific Case by David C Vladeck for Natural Resources Defense Council, designating David Beckman as local counsel. Fee paid. Approved by Judge Gary A. Feess.(bp,) (Entered: 05/04/2004)

04/30/2004	4	APPLICATION AND ORDER of Non-Resident Attorney to Appear in a Specific Case by Aaron Colangelo for Natural Resources Defense Council, designating David Beckman as local counsel. Fee paid. Approved by Judge Gary A. Feess.(bp,) (Entered: 05/04/2004)
05/12/2004	7	NOTICE OF DISCREPANCY AND ORDER: by Judge Gary A. Feess, ORDERING 3 proofs of service submitted by Plaintiff Natural Resources Defense Council received on 5/11/04 is not to be filed but instead rejected. Denial based on: documents not signed.(bp,) (Entered: 05/24/2004)
05/14/2004	5	ANSWER to Complaint – (Discovery) 1 filed by defendants' United States Department of Defense, United States Environmental Protection Agency, White House Office of Management and Budget.(bp,) (Entered: 05/24/2004)
05/14/2004	6	NOTICE of Interested Parties filed by Defendants United States Department of Defense, United States Environmental Protection Agency, White House Office of Management and Budget. (bp,) (Entered: 05/24/2004)
05/14/2004		FAX number for Attorney Joel McElvain is 202-616-8202. (bp,) (Entered: 05/24/2004)
05/18/2004	8	PROOF OF SERVICE Executed by plaintiff Natural Resources Defense Council, upon United States Environmental Protection Agency served on 5/17/2004, answer due 7/16/2004. The Summons and Complaint were served by certified mail, by Federal statute. Service accepted by Michael Leavitt on behalf of U.S. Environmental Protection. Original Summons not returned. (copies of returned certified mail attached, addressed to Michael Leavitt, Administrator US Environmental Protection Agency, John Ashcroft, Attorney General and US Attorney's Office Central District of California) (bp,) (Entered: 05/27/2004)
05/18/2004	9	PROOF OF SERVICE Executed by plaintiff Natural Resources Defense Council, upon White House Office of Management and Budget served on 5/17/2004, answer due 7/16/2004. The Summons and Complaint were served by certified mail, by Federal statute. Service accepted by John Bolton on behalf of White House Office of Management and Budget. Original Summons not returned. (attached copies of returned certified mail addressed to Joshua Bolten, White House Office of Managment and Budget, John Ashcroft, Attorney General and US Attorney's Office Central District of California) (bp,) (Entered: 05/27/2004)
05/18/2004	10	PROOF OF SERVICE Executed by plaintiff Natural Resources Defense Council, upon United States Department of Defense served on 5/17/2004, answer due 7/16/2004. The Summons and Complaint were served by certified mail, by Federal statute. Service accepted by Donald H. Rumsfeld on behalf of U.S. Department of Defense. Original Summons not returned. (attached copies of returned certified mail addressed to Donald H. Rumsfeld, John Ashcroft, Attorney General and US Attorney's Office Central District of California) (bp,) (Entered: 05/27/2004)
05/28/2004	<u>11</u>	ORDER regarding rule 26(f) conference on 7/12/04 at 1:30 p.m. and joint report by Judge Gary A. Feess (bp,) (Entered: 06/01/2004)
06/29/2004	12	JOINT SCHEDULING CONFERENCE REPORT Rule 26(f) Discovery Plan filed; (bp,) (Entered: 07/07/2004)
07/01/2004	13	NOTICE of intent to appear by telephone filed by plaintiff Natural Resources Defense Council. (bp,) (Entered: 07/07/2004)
07/07/2004	15	NOTICE OF MOTION AND MOTION for a Vaughn Index filed by plaintiff Natural Resources Defense Council. Motion set for hearing on 8/2/2004 at 09:30 AM before Honorable Gary A. Feess. (bp,) (Entered: 07/14/2004)
07/07/2004	16	MEMORANDUM of law in Support of MOTION for Order 15 filed by plaintiff Natural Resources Defense Council. (bp,) (Entered: 07/14/2004)
07/09/2004	17	NOTICE of intent to appear by telephone filed by defendants' United States Department of Defense, United States Environmental Protection Agency, White House Office of Management and Budget. (bp,) (Entered: 07/15/2004)

07/12/2004	<u>14</u>	MINUTES: Scheduling Conference held. Court provides counsel with the following briefing schedule for their cross-motions for summary judgment. Plaintiff shall file their motion for summary judgment on or before September 17, 2004. Defendant shall file their cross motion for summary judgment not later than October 18, 2004. Defendant's opposition to plaintiff's motion and reply in their own motion shall be filed November 15, 2004. Plaintiff shall file its reply and opposition to defendant's motion not later than December 13, 2004. The hearing on the motions for summary judgment shall be placed on the court's calendar for Monday, January 10, 2005, at 9:30 a.m. Judge Gary A. Feess. Court Reporter: Lisa Gonzalez. (bp,) (Entered: 07/13/2004)
07/19/2004	18	MEMORANDUM in Opposition to MOTION for Order 15 filed by defendants United States Department of Defense, United States Environmental Protection Agency, White House Office of Management and Budget. (bp,) (Entered: 07/26/2004)
07/27/2004	19	REPLY in support of MOTION for Order 15 filed by plaintiff Natural Resources Defense Council. (bp,) (Entered: 07/30/2004)
07/29/2004	<u>20</u>	MINUTES: The court concludes that the request for the Vaughn Index is premature, and that any alleged deficiency in the information provided in connection with the motion for summary judgment can be addressed if, and when, the issue arises. Judge Gary A. Feess.Court Reporter: None present. (bp,) (Entered: 07/30/2004)
09/10/2004	21	ORDER granting defendants' unopposed motion for an extension of time in which to file their motion for summary judgment and good cause having been shown, is hereby Ordered that defendants shall file their motion for summary judgment not later than 10/15/04. The plaintiff's shall file its cross-motion for summary judgment, and its opposition to the defendants' motion, not later than November 15, 2004 by Judge Gary A. Feess,(bp,) (Entered: 09/15/2004)
10/13/2004	23	UNOPPOSED motion for an extension to time Time in which to File their motion for summary judgment. filed by defendants United States Department of Defense, United States Environmental Protection Agency, White House Office of Management and Budget. Lodged ORDER. (yc,) (Entered: 11/01/2004)
10/20/2004	<u>22</u>	ORDER by Judge Gary A. Feess: THIS MATTER having come before the Court on the Defendant's Unopposed Motion for an Extension of Time in which to file Their Motion for Summary Judgment, and good cause having been shown, it is hereby ORDERED that the motion is GRANTED. (See Order for further details),(yl,) (Entered: 10/25/2004)
11/15/2004	24	NOTICE OF MOTION AND MOTION for Summary Judgment filed by defendants United States Department of Defense, United States Environmental Protection Agency, White House Office of Management and Budget. Motion set for hearing on 3/7/2005 at 09:30 AM before Honorable Gary A. Feess. (yc,) (Entered: 11/18/2004)
11/15/2004	25	MEMORANDUM of points and authorities in Support of MOTION for Summary Judgment 24 filed by defendants United States Department of Defense, United States Environmental Protection Agency, White House Office of Management and Budget. (yc,) (Entered: 11/18/2004)
11/15/2004	26	APPENDIX MATERIALS filed by Defendants United States Department of Defense, United States Environmental Protection Agency, White House Office of Management and Budget in support of Re: MOTION for Summary Judgment 24 (yc,) (Entered: 11/18/2004)
11/15/2004	27	APPENDIX OF MATERIALS filed by Defendants United States Department of Defense, United States Environmental Protection Agency, White House Office of Management and Budget in support of. Re: MOTION for Summary Judgment 24 (Volumer 4 of 4) (yc,) (Entered: 11/18/2004)
11/15/2004	28	APPENDIX OF MATERIALS filed by Defendants United States Department of Defense, United States Environmental Protection Agency, White House Office of Management and Budget in support of. Re: MOTION for Summary Judgment 24 (Volume 1 of 4 (yc,) (Entered: 11/18/2004)

11/15/2004	29	APPENDIX OF MATERIAL filed by Defendants United States Department of Defense, United States Environmental Protection Agency, White House Office of Management and Budget in support Re: MOTION for Summary Judgment 24 (VOLUME 2 of 4) (yc,) (Entered: 11/18/2004)
11/15/2004	30	MOTION for an Extension of Time in which to File its motion for summary judgment. filed by defendants United States Department of Defense, United States Environmental Protection Agency, White House Office of Management and Budget. (yc,) (Entered: 11/18/2004)
11/15/2004	31	ORDER by Judge Gary A. Feess, that the motion is GRANTED 30 ; and it is further ORDERED that: The Defendant EPA shall file its motion for summary judgment not later than 11/12/2004; The Defendant DOD shall file its motion for summary judgment not later than 11/30/2004; The plaintiff shall file its cross motion for summary judgment with respect to defendants EPA and DOD and its opposition to these defendants motions not later the 1/7/2005; The defendants EPA and DOD shall file their oppositon to the plainiff's motion and their reply in support of their motions not later than 2/4/2005; The Plaintiff shall file its reply in support of its motion not later than 3/4/2005; The hearing on the motions for Summary Judgment 24 30 with respect to defendants EPA and DOD shall be placed on the court calendar for Monday 3/28/2005, at 9:30am. and Briefing on cross motions for summary judgment with respect to defendant OMB will continue to be deferred until 2/15/2005 subject to further negotiatiois between the parties as to the scope of that briefing. Motions set for hearing on 3/28/2004 at 09:30 AM before Honorable Gary A. Feess.(yc,) (Entered: 11/18/2004)
11/17/2004		PLACED IN FILE – NOT USED re Proposed Order (jp,) (Entered: 11/18/2004)
11/17/2004	32	OPPOSITION to third motion for an extension of time 30 filed by plaintiff Natural Resources Defense Council. (yc,) (Entered: 11/18/2004)
11/30/2004	33	NOTICE OF MOTION AND MOTION for Summary Judgment filed by Defendants United States Department of Defense, United States Environmental Protection Agency, White House Office of Management and Budget. Motion set for hearing on 3/28/2005 at 09:30 AM before Honorable Gary A. Feess. Lodged order and undisputed facts. (rl,) (Entered: 12/06/2004)
11/30/2004	34	MEMORANDUM Of Points and Authorities in Support of MOTION for Summary Judgment 33 filed by Defendants United States Department of Defense, United States Environmental Protection Agency, White House Office of Management and Budget. (rl,) (Entered: 12/06/2004)
01/05/2005	<u>35</u>	ORDER by Judge Gary A. Feess, Unoppose motion 23 is GRANTED and it is further ORDERED that plaintiff NRDC shall file its response to defendants motions for summary judgment on or before 1/28/2005 and Twenty one additinal datys shall be provided for all remaining briefing deadlines and the hearing date regarding the motions for summary judgment filed by defendants EPA and DOD. (yc,) (Entered: 01/07/2005)
01/10/2005	36	CORRECTED UNOPPOSED motion for an extension of time filed by Plaintiff Natural Resources Defense Council. Loded order(yc,) (Entered: 01/14/2005)
01/12/2005	<u>37</u>	ORDER by Judge Gary A. Feess REQUEST for Extension of Time to File 23 is granted. and it is further ORDERED that the deadlines established in this case are rescheduled as follows:1/28/2005 Plainittf's response to EPA and DOD motions; 2/25/2005 EPA and DOD opposition and reply 3/25/2005 Plaintiff reply and 4/21/2005 hearing. (yc,) (Entered: 01/14/2005)
01/26/2005	38	NOTICE of filing of third declaration of Stewart F Aly filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. (yc,) (Entered: 01/28/2005)
02/02/2005	39	NOTICE OF DISCREPANCY AND ORDER: by Judge Gary A. Feess, ORDERING unopposed motion for time and page limit submitted by Plaintiff Natural Resources Defense Council received on 1/28/2005 is not to be filed but instead rejected. Denial based on: LOCAL RULE 6.1.(yc,) Modified on 2/11/2005 (yc,). (Entered: 02/04/2005)

02/09/2005	40	NOTICE OF NENEWED UNOPPOSED MOTION AND leave to file brief in excess of page limit and extension of time. filed by plaintiff Natural Resources Defense Council. Motion set for hearing on 5/2/2005 at 09:30 AM before Honorable Gary A. Feess. Lodged PROPOSED ORDER WITH MOTION AND SUPPORTING DOCUMENTS. (yc,) (Entered: 02/11/2005)
02/09/2005	41	MEMORANDUM of law in Support of MOTION for Leave 40 filed by plaintiff Natural Resources Defense Council. (yc,) (Entered: 02/11/2005)
02/09/2005	42	MEMORANDUM OF LAW in Support of MOTION for Leave 40 filed by Plaintiff Natural Resources Defense Council. (yc,) (Entered: 02/15/2005)
02/09/2005	43	NOTICE OF RENEWED UNOPPOSED MOTION re MOTION for Leave 40 filed by plaintiff Natural Resources Defense Council. (yc,) (Entered: 02/15/2005)
02/11/2005	44	NOTICE OF MOTION AND MOTION for Discovery filed by Plaintiff Natural Resources Defense Council. Motion set for hearing on 5/2/2005 at 09:30 AM before Honorable Gary A. Feess. (yc,) (Entered: 02/15/2005)
02/11/2005	45	MEMORANDUM of points and authorities in Support of MOTION for Discovery 44 pursuant to Fed R. Civ P. 56(f) and in opp'n to defendant EPA's and defendant motions for summary judgment. filed by plaintiff Natural Resources Defense Council. (yc,) (Entered: 02/15/2005)
02/11/2005	46	STATEMENT genuine issues filed by Plaintiff Natural Resources Defense Council (yc,) (Entered: 02/15/2005)
02/11/2005	47	DECLARATION of Aaron Colangelo filed by Plaintiff Natural Resources Defense Council. (yc,) (Entered: 02/15/2005)
02/11/2005	<u>48</u>	ORDER by Judge Gary A. Feess : The plaitniff renewed unopposed motion for leave to file a brief in excess of the page limit is hereby ORDERED GRANTED. 40 ORDERED that plaintiff response to the motions for summary judgment shall not exceed forty pages in length [23]and it is further order ORDERED that plaintiff response to the motions for summary judgment filed by the Environmental protection agency and the departmewnt of defense shall not exceed forty pages in length and it si further ORDERED that plaintiff request for an extension of time is granted and that deadlines in this case are rescheduled as follows: (a) Plaintiff response to the motions for summary judgment by the EPA and DOD shall be submitted on or before 2/9/2005 (b) EPA and DOD's opposition and reply shall be submitted on or before 3/9/2005 Plaintiff's reply if any shall be submitted on 4/6/2005 and the hearing on this matt4er shall be held on 5/2/2005. (yc,) (Entered: 02/15/2005)
02/14/2005	49	NOTICE OF MOTION AND UNOPPOSED MOTION for the setting of a briefing schedule by defendant OMB filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. Motion set for hearing on 8/22/2005 at 09:30 AM before Honorable Gary A. Feess. Lodged PROPOSED ORDER. (yc,) (Entered: 02/16/2005)
02/14/2005	50	MEMORANDUM of law in Support of MOTION for Order 49 filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. (yc,) (Entered: 02/16/2005)
03/09/2005	51	REPLY memorandum in support of DOD's and EPA motions for summary Judgment 33 filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. (yc,) (Entered: 03/10/2005)
03/09/2005	52	SUPPLEMENATL SEPARATE STATEMENT OF UNDISPUTED facts re MOTION for Order 49 filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. (yc,) (Entered: 03/10/2005)
03/16/2005	<u>53</u>	STIPULATION AND ORDER Regarding Filing of Memorandum with Excess Number of Pages: IT IS HEREBY STIPULATED, AGREED, AND ORDERED

		that the Defendants are granted leave to exceed the page limit established by Local Rule 11–6, and their Reply Memorandum in support of Motions for Summary Judgment, and in Opposition to Plaintiff Rule 56(f) Motion is accepted for filing; The Defendants Reply Memorandum insupport of Motions for Summary Judgment, and in Opposition plaintiff Rule 56(f) Motion shall be filed as of March 9, 2005; and NRDC is granted leave to exceed the page limit established by Local Rule 11–6, and may file a Reply Memorandum not to exceed thirty–one pages in lenght. IT IS SO ORDERED by Judge Gary A. Feess. (jp,) (Entered: 03/17/2005)
04/06/2005	54	REPLY in support of plaintiffs Fed. R. Civ R 56(f) Motion 40 filed by plaintiff Natural Resources Defense Council. (yc,) (Entered: 04/11/2005)
04/06/2005	55	SECOND DECLARATION of Aaron Colangelo filed by Plaintiff Natural Resources Defense Council. (yc,) (Entered: 04/11/2005)
04/06/2005	56	REPLY filed by Plaintiff Natural Resources Defense Council to defendants supplemental separate statement of undisputed facts 52 (yc,) (Entered: 04/11/2005)
04/15/2005	58	STIPULATION AND ORDER by Judge Gary A. Feess : The defendant, the office of Management and Budget (OMB) shall file its motion for summary judgment not later than 4/27/2005; The plaintiff, The Natural Resources defense council shall file its cross motion for summary judgment and its opposition to OMB motions for summary judgment no later than 6/10/2005; OMB shall file its opposition to NRDC's cross motion and its reply in support of its own motion not later than 7/11/2005; NRDC shall file its reply in support of its cross motion not later than 8/11/2005; The hearing on the cross motions for summary judgment shall be placed on this court's calendar for Monday 9/12/2005 at 9:30am and The pending unopposed motion for the setting of a briefing schedule by defendant OMB is dismissed as moot. 49 (yc,) Modified on 9/22/2005 (yc,). (Entered: 04/28/2005)
04/25/2005	57	APPLICATION AND ORDER of Non–Resident Attorney to Appear in a Specific Case by Kristi M Smith for Natural Resources Defense Council, designating David Beckman as local counsel. Fee paid. Approved by Judge Gary A. Feess.(yc,) (Entered: 04/27/2005)
04/27/2005	59	NOTICE OF MOTION AND MOTION for Summary Judgment pursuant to Fed R. Civ. P. 56 on the claims of the plaintiff. filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. Motion set for hearing on 9/12/2005 at 09:30 AM before Honorable Gary A. Feess. Lodged proposed stmnt and order. (yc,) (Entered: 05/05/2005)
04/27/2005	60	MEMORANDUM of points and authorities in Support of MOTION for Summary Judgment 59 filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. (yc,) (Entered: 05/05/2005)
04/29/2005	63	NOTICE OF DISCREPANCY AND ORDER: by Judge Gary A. Feess, ORDERING DECLARATION and Donald ARbuckle submitted by Defendant United States Environmental Protection Agency received on 4/27/2005 is not to be filed but instead rejected. Denial based on: Failure to motion or hearing date.(yc,) (Entered: 05/05/2005)
05/02/2005	<u>61</u>	MINUTES OF IN CHAMBERS ORDER by Judge Gary A. Feess :, RE: MOTION for Discovery 44 33 UNDER SUBMISSION, with a written order to follow. Court Reporter: Lisa Gonzalez. (yc,) Modified on 9/22/2005 (yc,). (Entered: 05/05/2005)
05/17/2005	64	NOTICE OF DISCREPANCY AND ORDER: by Judge Gary A. Feess, ORDERING Declaration of Donald Arbuckle, PhD, Declaration of Margo Schwab, PhD submitted by Defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency received on 5/12/05 is not to be filed but instead rejected. Denial based on: no proof of service,.(shb,) (Entered: 05/19/2005)

05/25/2005	<u>65</u>	MEMORANDUM AND ORDER REGARDING DEPARTMENT OF DEFENSE'S AND ENVIRONMENTAL PROTECTION AGENCY'S MOTIONS FOR SUMMARY JUDGMENT by Judge Gary A. Feess: The Court denies the Department of Defense's Motion for Summary Judgment 33 and Orders the Department of Defense to conduct a search of the Department of the Air Force for records responsive to Plaintiff's request. The Court further orders the Department of Defense to prepare Vaughn indices based in Representative samples of documents withheld from each of the searches. The representative sample shall be selected by the agreement of National Resources Defense Council and Department of Defense. Court grants Environmental Protection Agency's Motion for Summary Judgment 24 only as to the maps withheld under Exemption 9; the remainder of EPA's motion is denied. The Court further orders the parties to agree upon a representative sample of withheld documents. EPA shall prepare a revised Vaughn index of the representative sample. (gk,) (Entered: 05/25/2005)
06/09/2005	<u>66</u>	STIPULATION AND ORDER Regarding Briefing Schedule with Respect to OMB's Motion for Summary Judgment by Judge Gary A. Feess: IT IS SO ORDERED. Motion for Summary Judgment filed by the Defendant the Office of Management and Budget is hereby withdrawn without prejudice to the filing by OMB of a renewed motion for summary judgment. (See document for further information) re MOTION for Summary Judgment 59 .(dw,) (Entered: 06/13/2005)
06/09/2005		ORDER withdrawing 59 Motion for Summary Judgment (dw,) (Entered: 06/13/2005)
06/09/2005		***Terminated all deadlines and hearings. (dw,) (Entered: 06/13/2005)
07/06/2005	68	NOTICE OF MOTION AND MOTION to set a briefing schedule filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. Motion set for hearing on 8/1/2005 at 09:30 AM before Honorable Gary A. Feess. Lodged PROPOSED ORDER. (yc,) (Entered: 07/13/2005)
07/06/2005	69	MEMORANDUM of lsw in Support of MOTION for Order for to set a briefing schedule 68 filed by Defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. (yc,) (Entered: 07/13/2005)
07/08/2005	70	RESPONSE to MOTION for Order for to set a briefing schedule 68 filed by plaintiff Natural Resources Defense Council. (yc,) (Entered: 07/13/2005)
07/11/2005	<u>67</u>	STIPULATION AND ORDER by Judge Gary A. Feess :and proposed ordere regarding selection of sample documents. IT IS HEREBY STIPULATED, AGREED AND ORDERED THAT: Defendant DOD will draw a sample of documents that will consist of every 10 document in the list of documents comprised first of the index attached as Exhibit A. (see doucment for details)(yc,) (Entered: 07/12/2005)
07/19/2005	71	STIPULATION AND ORDER by Judge Gary A. Feess : IT IS HEREBY STIPULATED AGREED, AND ORDERED THAT: The pending motion by defendants to set a briefing schedule, and plaintiff's rsonse to defendant's motion to set a briefing schedule are hereby withdrawn and are dismissed as moot. The defendant, the office of management and budge shall file its motion for summary judgment on or before 9/7/2005. (see document). The hearing on these motions shall be placed on this court calendar for 1/23/2006 at 9:30am. (yc,) (Entered: 07/21/2005)
09/07/2005	<u>72</u>	STIPULATION AND ORDER REGARDING BRIEFING Schedule by Judge Gary A. Feess : IT IS HEREBY STIPULATED, AGREED, AND ORDERED THAT: 1. The Defendant, Offices of Management and Budget (OMB), shall file its motion for summary judgment on or before 9/12/2005. 2. The Plaintiff, the Natural Resources Defense Counsel, shall file its combined opposition to Defendant's motions and its cross-motion for summary judgment on or before 10/26/2005 (See document for further details)(yl,) (Entered: 09/12/2005)
09/12/2005	73	NOTICE OF MOTION AND MOTION for Summary Judgment filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. Motion

		set for hearing on 1/23/2006 at 09:30 AM before Honorable Gary A. Feess. (yc,) (Entered: 09/15/2005)
09/12/2005	74	DECLARATION of Margo Schwab PHD re MOTION for Summary Judgment 73 filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. (yc,) (Entered: 09/15/2005)
09/12/2005	75	DECLARATION of Donald Arbuckle PHD re MOTION for Summary Judgment 73 filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. (yc,) (Entered: 09/15/2005)
09/12/2005	76	MEMORANDUM of points and authorities in Support of MOTION for Summary Judgment 73 filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. (yc,) (Entered: 09/15/2005)
09/21/2005	77	NOTICE OF MOTION AND MOTION for Summary Judgment filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. Motion set for hearing on 1/23/2006 at 09:30 AM before Honorable Gary A. Feess. (yc,) (Entered: 09/27/2005)
09/21/2005	78	MEMORANDUM of points and authorities in Support of MOTION for Summary Judgment 73 filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. (yc,) (Entered: 09/27/2005)
09/21/2005	79	FIFTH DECLARATION of Stewart F. Aly filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. (yc,) (Entered: 09/27/2005)
09/21/2005	80	SEPARATE STATEMENT of undisputed facts re MOTION for Summary Judgment 77 filed by Defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. (yc,) (Entered: 09/27/2005)
09/21/2005	81	NOTICE of filing of seconds declaration of Dr. William H. Farland filed by Defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. (yc,) (Entered: 09/27/2005)
10/19/2005	82	STIPULATION AND ORDER by Judge Gary A. Feess : IT IS HEREBY STIPULATED, AGREED, AND ORDERED THAT: Defendant Department of Defense shall conduct a search for documents held by the Air Force and make a partial release of documents to plaintiff Natural resources defense on or before 11/23/2005. Defendant shall complete it search for documents held by Air Force and release all documents to plaintiff NRDC on or before 1/10/2006. Defendant shall file its motion for summary judgment with respect to documents held by the Air Force and any claimed exemptions from disclosure on or before 1/17/2006. Plaintiff NRDC shall file its combined opposition to Department of Defense motion and its cross motion for summary judgment on or before 2/17/2006. (see file for details) The hearing on these motions shall be placed on this court's calendar for Monday 5/8/2006 at 9:30am. 77 , 73 ., Resetting hearing as to MOTION for Summary Judgment 77 , MOTION for Summary Judgment 73 Motion set for hearing on 5/8/2006 at 09:30 AM before Honorable Gary A. Feess.(yc,) (Entered: 10/25/2005)
10/26/2005	<u>83</u>	CORRECTED STIPULATION AND ORDER regarding Briefing Schedule by Judge Gary A. Feess: Plaintiff shall file its combined cross-motion for summary judgment and opposition to Defendants motions on or before 11/2/05. Defendants shall file their reply in support of their motions for summary judgment and their opposition to Plaintiffs cross-motions on or before 11/23/05. Plaintiff shall file its reply in support of its motion for summary judgment on or before 12/21/05. Hearing on these motions shall remain on this Courts calendar for 9:30 on Monday 1/23/06.(ir,) (Entered: 10/28/2005)

10/26/2005	85	CORRECTED STIPULATION AND ORDER REGARDING BRIEFING SCHEDULE FOR THE DEPARTMENT OF THE AIR FORCE: IT S HEREBY STIULATED, AGREED, AND ORDERED by Judge Gary A. Feess that 1) Defendant Department of Defense shall conduct a search for documents held by the Air Force and make a partial release of documents to plaintiff Natural Resources Defense Council on or before 11/23/2005. 2) Defendant DOD shall complete its search for documents held by the Air Force and release all documents to plaitniff NRDC on or before 1/10/2006. 3) Defendant DOD shall file its motion for summary judgment with respect to documents held by the Air Force and any claimed exemptions from disclosure on or before 1/17/2006. 4) Plaintiff NRDC shall file its combined opposition to DOD motion and its corss-motion for summary judgment on or before 2/17/2006. 5) Defendant DOD shall file its combined opposition to NRDC motion and reply in support of its motion for summary judgment on or before 3/10/2006. 6) Plaintiff NRDC shall file its reply in support of its motion for summary judgment on or before 4/7/2006. 7) The hearing on these motions shall be placed on this Court calendar for Monday, May 8, 2006, at 09:30 AM. (jp,) (Entered: 11/01/2005)
10/27/2005	<u>84</u>	STIPULATION AND ORDER REGARDING BRIEFING SCHEDULE: IT IS HEREBY STIPULATED, AGREED, AND ORDERED by Judge Gary A. Feess that 1) Plaintiff shall file its combined cross-motion for summary judgment and opposition to Defendants motions on or before 11/9/2005; 2) Defendants shall file their reply in support of their motions for summary judgment and their opposition to Plaintiff cross-motion on or before 12/5/2005; 3) Plaintiff Reply in support of its motion for summary judgment [77 shall remain due on or before 12/21/2005; and 4) the hearing on these motions shall remain as previously scheduled at 9:30 AM. on Monday, January 23, 2006. (jp,) (Entered: 10/28/2005)
11/10/2005	87	NOTICE OF CROSS-MOTION for Partial Summary Judgment filed by plaintiff Natural Resources Defense Council. Motion set for hearing on 1/23/2005 at 09:30 AM before Honorable Gary A. Feess. (yc,) (Entered: 11/15/2005)
11/10/2005	88	MEMORANDUM of points and authorities in Support of MOTION for Partial Summary Judgment 87 filed by plaintiff Natural Resources Defense Council. (yc,) (Entered: 11/15/2005)
11/10/2005	89	STATEMENT of genuine issues re MOTION for Partial Summary Judgment 87 filed by plaintiff Natural Resources Defense Council. (yc,) (Entered: 11/15/2005)
11/10/2005	90	DECLARATION of Aaron Colangelo filed by Plaintiff Natural Resources Defense Council. (yc,) (Entered: 11/15/2005)
11/14/2005	86	NOTICE OF DOCUMENT DISCREPANCIES AND ORDER by Judge Gary A. Feess ORDERING Notice of unopped motion submitted by Plaintiff Natural Resources Defense Council received on 11/10/2005 to be filed and processed; filed date to be the date the document was stamped Received but not Filed with the Clerk.(yc,) (Entered: 11/15/2005)
11/15/2005	91	NOTICE OF UNOPPOSED MOTION For Leave to File Brief in Excess of Page Limit and for One Day Extension filed by Plaintiff Natural Resources Defense Council. Motion set for hearing on 1/23/2006 at 09:30 AM before Honorable Gary A. Feess. Lodged Proposed Order. (yl,) (Entered: 11/21/2005)
11/16/2005	<u>92</u>	ORDER by Judge Gary A. Feess : granting 91 Motion for Leave to File Excess Pages, granting 91 Motion for Order (see file for details) (yc,) (Entered: 11/21/2005)
12/05/2005	93	REPLY MEMORANDUM in Support of MOTION for Summary Judgment 77 filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. (yc,) (Entered: 12/06/2005)
12/05/2005	94	SIXTH DECLARATION of Stewart F. Aly filed by Defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. (yc,) (Entered: 12/06/2005)
12/05/2005	95	DECLARATION of Kimberley S. Luczynski filed by Defendants United States Department of Defense, White House Office of Management and Budget, United

		States Environmental Protection Agency. (yc,) (Entered: 12/06/2005)
12/21/2005	96	FOURTH DECLARATION of Aaron Colangelo filed by Plaintiff Natural Resources Defense Council. (yc,) (Entered: 12/22/2005)
12/21/2005	97	REPLY MEMORANDUM OF POINTS AND AUTHORITIES 87 filed by PLAINTIFF Natural Resources Defense Council. (yc,) (Entered: 12/22/2005)
12/21/2005	98	STATEMENT Genuine Issues filed by Plaintiff Natural Resources Defense Council (yc,) (Entered: 12/22/2005)
01/11/2006	100	DECLARATION of AARON COLANGELO re MOTION for Partial Summary Judgment 87 filed by Plaintiff Natural Resources Defense Council. (yl,) (Entered: 01/20/2006)
01/12/2006	<u>99</u>	STIPULATION AND ORDER by Judge Gary A. Feess : IT IS HEREBY STIPULATED, AGREED, AND ORDERED THAT: The Defendant, the United States Department of Defense shall complete its search for documents held by the United States Air Force and shall release all documents its determines to be responsive and non-exempt to the plaintiff, Natural RESources Defense Council on or before 2/24/2006; DOD shall file its motion for summary judgment with respect to documents held by USAF on or before 3/3/2006; The Plaintiff, The Natural Resources Defense Council shall file its oppositon to DOD's motion and its cross-motion for summary judgment on or before 4/10/2006; DOD shall file its oppositon to NRDC's cross motion and its reply in support of its motion on or before 5/1/2006; NRDC shall file its rply in support of its cross motion on or bef 5/29/2006 and the hearing on the cross motions for summary judgment shall be placed on this court's calendar for Monday 7/10/2006 at 9:30am. (yc,) (Entered: 01/17/2006)
01/12/2006		Resetting hearing as to MOTION for Partial Summary Judgment 87 , MOTION for Summary Judgment 77 , MOTION for Summary Judgment 73 Motion set for hearing on 7/10/2006 at 09:30 AM before Judge Gary A. Feess. (yc,) (Entered: 01/17/2006)
01/23/2006	<u>101</u>	MINUTES OF Motion Hearing held before Judge Gary A. Feess :, RE: MOTION for Partial Summary Judgment 87 , MOTION for Summary Judgment 77 , MOTION for Summary Judgment 73 taken under submission. A written order to follow.Court Reporter: Lisa Gonzalez. (yc,) (Entered: 01/25/2006)
01/23/2006	102	NOTICE OF MOTION AND MOTION to Strike fifth declaration of Aaron Colangelo, and potions of his fourth declation. filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. Lodged PROPOSED ORDER. (yc,) (Entered: 01/30/2006)
01/27/2006	103	OPPOSITION to MOTION to Strike 102 filed by plaintiff Natural Resources Defense Council. (bp,) (Entered: 02/07/2006)
02/28/2006	<u>104</u>	STIPULATION AND ORDER by Judge Gary A. Feess regarding Briefing Schedule with Respect to Air Force Documents. IT IS HEREBY STIPULATED, AGREED, AND ORDERED that 1) The Defendant, the United States Department of Defense (DOD), shall complete its search for documents held by the United States Air Force (USAF) and shall release all documents it determines to be responsive and non-exempt to the Plaintiff, on or before 3/17/2006; DOD shall file its motion for summary judgment with respect to documents held by USAF on or before 3/24/2006; The Plaintiff, shall file its opposition to DOD motion, and its cross-motion for summary judgment, on or before 5/1/2006; DOD shall file its opposition to NRDC cross-motion, and its reply in support of its own motion, on or before 5/22/2006; NRDC shall file its reply in support of its cross-motion on or before 6/19/2006; and The hearing on the cross-motions for summary judgment shall be placed on this Court calendar for Monday, July 31, 2006 at 09:30 AM.(jp,) (Entered: 03/01/2006)
03/10/2006	<u>105</u>	MINUTES by Judge Gary A. Feess : The court concludes that the matter is appropriate for dispositon without the argument of counsel and hereby VACATES the hearing on this matter. The court will address this MOTION to Strike 102 when

		it issues its order regarding the motions for summary judgment, which are currently under submission. Court Reporter: None. (yc,) (Entered: 03/13/2006)
03/21/2006	<u>106</u>	ORDER by Judge Gary A. Feess, re MOTION to Strike 102 , MOTION for Partial Summary Judgment 87 , MOTION for Summary Judgment 77 , MOTION for Summary Judgment 73 should be GRANTED. Plaintiff opposes defendants motions and cross-moves for summary judgment against all defendants on other issues. For the reasons set forth below, the motion for summary judgment are each GRANTED IN PART and DENIED IN PART and the court hereby ORDERS as follows: (see file for details)(yc,) (Entered: 03/22/2006)
03/22/2006	<u>107</u>	STIPULATION AND ORDER Regarding Briefing Schedule with Respect to Air Force Documents by Judge Gary A. Feess. Defendant, the United States Department of Defense ("DOD") shall file its motion for summary judgment with respect to documents held by United States Air Force ("USAF") on or before 4/4/2006. The Plaintiff, the Natural Resources Defense Council ("NRDC"), shall file its opposition to DOD's motion, and its cross-motion for summary judgment, on or before 5/10/2006. DOD shall file its opposition to NRDC's cross-motion, and its reply in support of its own motion, on or before 5/31/2006. NRDC shall file its reply in support of its cross-motion on or before 6/28/2006. The hearing on the cross-motions for summary judgment shall remain as scheduled on this Court's calendar for 7/31/2006 at 9:30 AM. (gk,) (Entered: 03/23/2006)
04/04/2006	109	NOTICE OF MOTION AND MOTION for Partial Summary Judgment by defendant DOD filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. Motion set for hearing on 7/31/2006 at 09:30 AM before Judge Gary A. Feess. (yc,) (Entered: 04/10/2006)
04/04/2006	110	MEMORANDUM of points and authorities in Support of MOTION for Summary Judgment 109 filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. (yc,) (Entered: 04/10/2006)
04/04/2006	111	STATEMENT of undisputed facts by defendant DOD with respect to Air force records re MOTION for Summary Judgment 109 filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. (yc,) (Entered: 04/10/2006)
04/05/2006	<u>108</u>	NOTICE OF DOCUMENT DISCREPANCIES AND ORDER by Judge Gary A. Feess ORDERING Notice of partial summary judgment submitted by Defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency received on 4/5/2006 to be filed and processed; filed date to be the date the document was stamped Received but not Filed with the Clerk.(yc,) (Entered: 04/10/2006)
04/05/2006	113	NOTICE of filing of Declaration of Sherley Huang and Dwayner Presgraves filed by defendants United States Department of Defense. (yc,) (Entered: 04/17/2006)
04/07/2006	<u>112</u>	STIPULATION AND ORDER by Judge Gary A. Feess :IT IS HEREBY STIPULATION, AGREED AND ORDERED THAT: DOD may file with its partial motion for summary judgment with respect to records held by USAF, copies of two supporting declarations from Air Force Personnel stationed overseas; DOD shall supplement its filing with the original versions of those declarations upon its counsel receipt of those declarations.(yc,) (Entered: 04/11/2006)
05/02/2006	117	NOTICE OF FILING DECLARATIONS OF RICHARD S. PAKOLA AND DANIEL E. ROGERS re MOTION for Partial Summary Judgment 109 filed by Defendant White House Office of Management and Budget, United States Environmental Protection Agency. (yl,) (Entered: 05/10/2006)
05/04/2006	114	NOTICE OF MOTION AND MOTION to Stay pending briefing and to set a scheduling conference filed by plaintiff Natural Resources Defense Council. Motion set for hearing on 7/31/2006 at 09:30 AM before Judge Gary A. Feess. Lodged PROPOSED ORDER. (yc,) (Entered: 05/10/2006)

05/04/2006	115	MEMORANDUM OF POINTS AND AUTHORITIES in Support of MOTION to Stay pending briefing and to set a scheduling conference 114 filed by PLAINTIFF Natural Resources Defense Council. (yc,) (Entered: 05/10/2006)
05/04/2006	116	SIXTH DECLARATION of Aaron Colangelo filed by Plaintiff Natural Resources Defense Council. (yc,) (Entered: 05/10/2006)
05/09/2006	<u>118</u>	STIPULATION AND ORDER by Judge Gary A. Feess : IT IS HEREBY STIPULATED AGREED AND ORDERED THAT: Plaintiff NRDC shall file its combined cross motion for summary judgment and opposition to DOD's parties' summary judgment motion on or before 5/17/2006; Defendant DOD shall file a reply in support of its partial summary judgment motion and an opposition to NRDC cross motion on or before 6/7/2006 and Plaintiff NRDC reply in support of its cross motion shall remain due on or before 6/28/2006 and the hearing on DOD motion shall remain on this court calendar at 9:30am on Monday 7/31/2006.(yc,) (Entered: 05/11/2006)
05/11/2006	124	NOTICE of Appearance filed by attorney James J Schwartz on behalf of Defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency (yc,) (Entered: 05/19/2006)
05/15/2006	<u>119</u>	STIPULATION AND ORDER Regarding Compliance with Court's Order by Judge Gary A. Feess: Ordered that (1) by 5/26/2006, Defendants Office of Management and Budget ("OMB"), United States Department of Defense ("DOD"), and United States Environmental Protection Agency ("EPA") shall release the segregable factual information contained in the sample documents examined on pages 19–29 of the Court's 3/21/2006 Order; (2) by 6/26/2006, Defendant DOD shall provide additional justification for withholding sample documents where the author and/or recipient have not been identified; (3) by 6/26/2006, Defendants OMB and DOD shall provide further justification for withholding sample documents previously given to third–parties, including contractors; (4) by 6/26/2006, Defendants OMB, DOD and EPA shall release the segregable factual information in the remainder of the sample documents that relates to the three factual categories identified on pages 19–29 of the Court's 3/21/2006 Order; and (5) by 6/26/2006, Defendants OMB, DOD, and EPA shall provide justification for originally withholding documents that were selected for the representative sample and then released by Defendants. (gk,) (Entered: 05/15/2006)
05/17/2006	120	Amended MOTION to Stay Case pending briefing and to set a scheduling conference 114 set for hearing 6/12/2006 at 9:30am. filed by plaintiff Natural Resources Defense Council. (yc,) (Entered: 05/19/2006)
05/17/2006		Set Hearings: Motion set for hearing on 6/12/2006 at 09:30 AM before Judge Gary A. Feess. (yc,) (Entered: 05/19/2006)
05/17/2006	121	STATEMENT genuine issues filed by Plaintiff Natural Resources Defense Council re: 120 , (yc,) (Entered: 05/19/2006)
05/17/2006	122	MEMORANDUM of points and authorities in Opposition to MOTION for Summary Judgment 109 filed by plaintiff Natural Resources Defense Council. (yc,) (Entered: 05/19/2006)
05/17/2006	123	NOTICE OF MOTION of renewed rule 56(f) cross– MOTION for Discovery filed by plaintiff Natural Resources Defense Council. Motion set for hearing on 7/31/2006 at 9:30 AM before Judge Gary Feess. Lodged proposed order. (yc,) Modified on 5/31/2006 (yc,). (Entered: 05/19/2006)
05/17/2006		Resetting Hearing as to MOTION for Discovery 123 Motion set for hearing on 7/31/2006 at 09:30 AM before Judge Gary A. Feess. (yc,) (Entered: 05/31/2006)
05/18/2006	<u>125</u>	MINUTES before Judge Gary A. Feess :, Resetting hearing as to MOTION to Stay Case pending briefing and to set a scheduling conference 114 Motion set for hearing on 6/12/2006 at 09:30 AM before Judge Gary A. Feess. Defendant opposition papers are due by close of business on 5/26/2006 and plaintiff's reply papers are due by close of business on 6/1/2006. The parties shall submit courtesy copies to chamber. Court Reporter: None. (yc,) (Entered: 05/23/2006)

05/26/2006	126	OPPOSITION to MOTION to Stay Case pending briefing and to set a scheduling conference 114 filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. (yc,) (Entered: 06/01/2006)
06/02/2006	127	REPLY in support of plaintiff's MOTION to Stay Case pending briefing and to set a scheduling conference 114 filed by plaintiff Natural Resources Defense Council. (yc,) (Entered: 06/09/2006)
06/07/2006	128	REPLY memorandum in support of MOTION for Summary Judgment 109 filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. (yc,) (Entered: 06/09/2006)
06/12/2006	129	MINUTES OF Motion Hearing held before Judge Gary A. Feess :, RE: MOTION to Stay Case pending briefing and to set a scheduling conference 114 The court grants said motion and orders NRDC t prepare a brief proposed order for the court's review and signature. The court will permit the taking of three depositions without further proceedings the depositions to be taken are of Rogers, Cunniff and Mattie. The court vacates the hearing on teh currently set motion for summary judgement (Doc NO 109).Court Reporter: Lisa Gonzalez. (yc,) (Entered: 06/14/2006)
06/16/2006	130	NOTICE of proposed order regarding its pending motion to stay briefing filed by plaintiff Natural Resources Defense Council. LODGED PROPOSED ORDER (yc,) (Entered: 06/22/2006)
06/21/2006	<u>131</u>	ORDER by Judge Gary A. Feess, that plaintiff Natural Resurces Defense motion to stay #114,#120 is Granted. That all briefing on the Department of Defense pending motion for summary judgment as to records held by the Department of the Air Force (#109) is stayed until further notice of the court; it is further ordered that the 7/31/2006 motions for partial summary judgment is vacated. That plaintiff is allowed discovery regarding defendant department of defense search for responsive records in this case in the form of deposing the following three individuals: Colonel Daniel Rogers, Dr. Richard Matie and Captain Alexis Stackhouse (see file) The within 45 days of the entry of this orde the Department of Defense shall provide NRDC with responsive records from a search of the Air Force Research lab, Colonel Rogers "team" on percholorate issues, the Deputy Assistant Secretary of the Air Force's environment and Installations and th ePercholorate study group or present evidence that each of these sources has already been searched and that the search of each source was adequate. (see file)(yc,) (Entered: 06/22/2006)
06/27/2006	132	NOTICE OF DISCREPANCY AND ORDER: by Judge Gary A. Feess, ORDERING Notice of motion to amend order submitted by Plaintiff Natural Resources Defense Council received on 6/23/2006 is not to be filed but instead rejected. Denial based on: Called a motion-not submitted in correct motion format.(yc,) (Entered: 07/03/2006)
06/27/2006	134	ORDER by Judge Gary A. Feess; That defendant has a one-day enlargemet of time from 6/26/2006 to 6/27/2006 to comply with the stipulation and order regarding compliance with court's 3/21/2006 order.(yc,) (Entered: 07/03/2006)
06/27/2006	135	NOTICE of unopposed motion for one day enlargement of time to defendants to comply with ther stipulaiton and order regarding compliance with court's 3/21/2006 order. filed by Defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. (yc,) (Entered: 07/03/2006)
06/28/2006	133	NOTICE of compliance with stipulation and order regarding compliance with court's 3/21/2006 order. filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. (yc,) (Entered: 07/03/2006)
06/29/2006	136	NOTICE OF DISCREPANCY AND ORDER: by Judge Gary A. Feess, ORDERING Notice of motion to reconsider 6/21/2006 order submitted by Defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency received on 6/30/2006 is not to be filed but instead rejected. Denial based on: Not set up as a

		notice of motion.(yc,) (Entered: 07/06/2006)
07/07/2006	137	NOTICE OF MOTION AND partially unopposed MOTION to Amend order of 6/21/2006 pursuant to Fed.R.Civ.P.59(e). filed by plaintiff Natural Resources Defense Council. Motion set for hearing on 7/31/2006 at 09:30 AM before Judge Gary A. Feess. Lodged PROPOSED ORDER. (yc,) (Entered: 07/13/2006)
07/07/2006	138	OPPOSITION to defendant Dod's motion to reconsider 6/21/2006 order filed by plaintiff Natural Resources Defense Council. (yc,) (Entered: 07/14/2006)
07/13/2006	139	NOTICE OF MOTION AND MOTION for Reconsideration 6/21/2006 order filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. Motion set for hearing on 8/7/2006 at 09:30 AM before Judge Gary A. Feess. (yc,) (Entered: 07/18/2006)
07/18/2006	<u>140</u>	ORDER by Judge Gary A. Feess ; re MOTION to Amend/Correct 137 is GRANTED, it is further ORDERED that the following paragraph of the 6/21/2006 are amended follows. (see file). That all other portions of the 6/21/2006 order shall remain as previously entered. Plaintiff opposing papers submitted on 7/7/2006 are moot because the underlying motin was never filed. The 7/31/2006 hearin gon plaintiff motion is hereby vacated. The 7/31/2006 hearing on plaintiff renewed rule 56 (f) motion is also VACATED, Pending resolution of the discovery issues. (see file)(yc,) (Entered: 07/19/2006)
07/19/2006	<u>141</u>	STIPULATION AND ORDER by Judge Gary A. Feess : regarding settlement of claims against defendant EPA. (see file) NRDC and EPA jointly rquest that the court refer this settlement to Magistrate Judge Ralph Zarefsky for evaluation of EPA's segregability determinations regarding factual information about groundwater contamination with prechlorage, perchlorage health effects and methods and costs of remediating perchlorate contamination, in accordance with the segregability standards contained in the court's 3/21/2006 memorandum and order. (see file). The parties agree that following completion. The court shall retain jurisdiction with regard to NRDC 's claims for attorney fees and other litigation costs in this matter.(yc,) (Entered: 07/20/2006)
07/25/2006	142	OPPOSITION to MOTION for Reconsideration 139 filed by plaintiff Natural Resources Defense Council. (yc,) (Entered: 07/27/2006)
08/02/2006	<u>143</u>	MINUTES held before Judge Gary A. Feess :, RE: MOTION for Reconsideration 139 is DENIED. The hearing set for Monday 8/7/2006 is hereby VACATED Court Reporter: None. (yc,) (Entered: 08/04/2006)
08/04/2006	145	JOINT STATUS REPORT filed by Plaintiff and Defendants. (jp) (Entered: 08/21/2006)
08/07/2006	<u>144</u>	MINUTES held before Judge Gary A. Feess : DOD and OMB shall provide their document release, additional justifications and a brief memorandum (no mor than 5 pages) in support of their continued withholding to the court no later than 9/15/2006; NRDC shall file a brief response (no more than 5 pages) to DOD and OMB's submissions describing the ways in which plaintiff believes defendants have failewd to comply fully with the court 3/21/2006 order or provide adequate justification to sustain their withholding no later than 9/22/2006 and The court or a designated magistrate judge special master or other third party will then review those submissions to determine the legality of defendants withholding. Court Reporter: none. (yc,) (Entered: 08/08/2006)
08/11/2006	146	NOTICE of Withdrawal of Counsel Kristi M. Smith filed by Plaintiff Natural Resources Defense Council. (gk,) (Entered: 08/23/2006)
09/15/2006	147	NOTICE of filing pursuant to the court 8/8/2006 order regarding status report. filed by defendants United States Department of Defense, White House Office of Management and Budget, United States Environmental Protection Agency. (yc,) (Entered: 09/20/2006)
09/20/2006	150	APPLICATION for attorney Emily Brittain Read to Appear Pro Hac Vice. FEE PAID. filed by plaintiff Natural Resources Defense Council. Lodged proposed order. (yc,) (Entered: 09/26/2006)

09/21/2006	<u>148</u>	ORDER by Judge Gary A. Feess, on application of non-resident attorney Emily Briatten REad to appear in a specific case. (yc,) (Entered: 09/22/2006)
09/22/2006	149	RESPONSE filed by Plaintiff Natural Resources Defense Council to In Chambers Order/Directive – no proceeding held., <u>144</u> (yc,) (Entered: 09/26/2006)
10/02/2006	<u>151</u>	STIPULATION AND ORDER by Judge Gary A. Feess regarding extension of time in which to refer sample to Magistrate Judge (see document for details)(mmo) (Entered: 10/03/2006)
10/10/2006	152	JOINT STIPULATION AND ORDER by Judge Gary A. Feess : DISMISSING PLAINTIFFS CLAIMS against defendant. United States Environmental Protection Agency terminated. (see document further details)(pj,) (Entered: 10/25/2006)
04/18/2007	154	JOINT STATUS REPORT filed by Defendants United States Department of Defense, White House Office of Management and Budget. (yc,) (Entered: 04/25/2007)
06/07/2007	157	SEPARATE STATEMENT of Undisputed facts by defendant DOD with Respect to Air Force Records filed by Defendants United States Department of Defense, White House Office of Management and Budget. (et) (Entered: 08/17/2007)
06/28/2007	155	Notice of Withdrawal of Emily B. Read as Counsel: PLEASE TAKE NOTICE that Emily B. Read hereby withdraws as counsel for plaintiff in the above-captioned case. FURTHER NOTICE that plaintiff continues to be represented by DAvid Beckman and Aaron Colangelo of NRDC, and David C. Vladeck of the Institute for Public Representation at Georgetown University Law Center filed by plaintiff Natural Resources Defense Council. (jp) (Entered: 07/13/2007)
08/13/2007	<u>156</u>	ORDER by Judge Gary A. Feess, The court finds that:(1) DoD and OMB failed to sufficiently justify withholding those documents shared with Belzer and are therefore ORDERED to release these documents to NRDC: (2) DoD need not release the UAR documents in full; and (3) DoD and OMB failed adequately to release the segregable factual information from withheld documents. The Court shall DESIGNATE Magistrate Judge Ralph Zarefsky to evaluate DoD and OMB's segregability determinations using the method set forth above.(yc) (Entered: 08/15/2007)
10/12/2007	158	STATEMENT of Representation filed by Defendants United States Department of Defense, White House Office of Management and Budget (csi) (Entered: 10/15/2007)
10/12/2007	<u>159</u>	NOTICE OF APPEAL to 9th CCA filed by Defendants United States Department of Defense, White House Office of Management and Budget. Appeal of Order, <u>156</u> Filed On: 8/13/07; Entered On: 8/15/07; Forms Given: Transcripts Designation Ordering Form; Filing fee \$ 455. Government Waived. cc: James J. Schwartz, United States Department of Justice, Civil Division, Federal Programs Branch; Aaron Colangelo, Natural Resources Defense Council, David S. Beckman, Natural Resources Defense Counsel, David C. Vladeck, Institute for Public Representation. (lr) (Entered: 10/16/2007)
10/16/2007		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals; re: Appeal to 9th Circuit Court of Appeals, <u>159</u> (lr) (Entered: 10/16/2007)
10/22/2007	160	JOINT STATUS REPORT filed by Defendant United States Department of Defense. (bp) (Entered: 10/24/2007)
11/20/2007	<u>161</u>	NOTIFICATION by Circuit Court of Appellate Docket Number 07-56624, 9th CCA regarding Appeal to 9th Circuit Court of Appeals., <u>159</u> filed by United States Department of Defense, White House Office of Management and Budget. (lr) (Entered: 11/20/2007)
10/02/2008	<u>162</u>	IT IS HEREBY STIPULATED, AGREED AND ORDERED THAT: NRDC dismisses with prejudice all claims DoD, Air Force and OMB relating to the FOIA requests at issue in this case; The Court shall retain jurisdiction regarding enforcement of the settlement agreement with regard to the payment of NRDC's attorney fees and costs by Judge Gary A. Feess., (Made JS-6. Case Terminated.) (bp) (Entered: 10/03/2008)

02/22/2010	<u>163</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals,, <u>159</u> filed by United States Department of Defense, White House Office of Management and Budget, CCA # 07-56624. Order received in this district on 2/22/10. Appellants' motion for voluntary dismissal of this appeal is granted. This appeal is dismissed. (cbr) (Entered: 02/24/2010)
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